

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated April 20, 2009, has been received and its contents carefully reviewed.

Claims 1, 2, 6, 9, 16, and 19 are hereby amended. Claims 5 and 13 are hereby canceled without prejudice or disclaimer of the subject matter contained therein. No claims have been added. Accordingly, claims 1-4, 6-12, and 14-20 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

The Office has provisionally rejected claims 1, 6-9, 13-16 and 19 35 U.S.C. §101 double patenting as claiming the same invention of claims 1, 3-4, 8-13, 17 and 20 of copending U.S. Patent Application No. 10/580,117. Office Action at p. 2. Applicants respectfully disagree. As this is a provisional rejection and both applications are still pending, Applicants reserve the right to further address this rejection upon indication of allowability of this or the copending application.

The Office has rejected claim 1-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,337,500 to Enokizono (hereinafter *Enokizono*). Office Action at p. 2. Applicant notes that claims 5 and 13 have been canceled, thus the rejection of these claims is now moot.

Applicant respectfully traverses the rejection and asserts that *Enokizono* fails to anticipate a condensing apparatus of a dishwasher comprising, at least, “a condensed water discharge port formed at the air duct for discharging moisture condensed from the vapor; and a vapor exhaust port spaced apart from the condensed water discharge port for exhausting vapor from which moisture has been removed into the outside of the dish washer,” as recited in independent claims 1 and 9, and as similarly recited in independent claim 16.

The Office asserts that *Enokizono* discloses a condensed water discharge port 32, and a vapor exhaust port 82. Office Action at p. 2. Applicants respectfully disagree with such an interpretation of *Enokizono* and contend that *Enokizono* wholly fails to anticipate the claimed invention.

It is first noted that part 32 of *Enokizono* is actually a liquid reservoir in a sump in which draining water is collected, heated, and recirculated to the dishwasher or discharged outside. *Enokizono* at col. 2, ll. 56, through col. 3, ll. 6. Claims 1 and 9, however, recite “a condensed water discharge port formed at the air duct for discharging moisture condensed from the vapor,” and claim 16 recites, “the air duct including a condensed water discharge port.” Part 32 is not formed at or near the air duct 56, 82, but separate and apart therefrom.

Second, part 82 of *Enokizono* is actually an outside/cool air duct, along which outside air may pass to exchange heat with the vapor flowing separately through circulation duct 56. *Id.* at col. 3, ll. 28-39. Since vapor from the dishwasher flows only through circulation duct 56, it is impossible for part 82 to anticipate a “vapor exhaust port,” as claimed, as the Office has asserted.

For arguments sake, inlet 52 may be associated with a vapor exhaust port and a condensed water outlet. *Enokizono* at col. 4, ll. 11-13. Inlet 52, however, serves both to discharge the condensed water and to exhaust the remaining vapor at the same time and at the same exact place. *Id.* Furthermore, once the vapor has passed through circulation duct 56 and out of inlet 52, the vapor is reheated and recirculated back to the dishwashing chamber 14 to continue a circulation cycle. *Id.* at ll. 13-14. Therefore, *Enokizono* wholly fails to anticipate a condensing apparatus of a dishwasher comprising, at least, “a condensed water discharge port formed at the air duct for discharging moisture condensed from the vapor; and a vapor exhaust port spaced apart from the condensed water discharge port for exhausting vapor from which moisture has been removed into the outside of the dish washer,” as recited in independent claims 1 and 9, and as similarly recited in independent claim 16. (emphasis added)

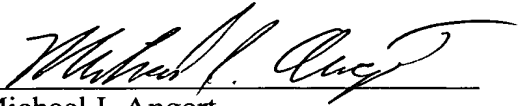
Accordingly, Applicant respectfully asserts that claims 1, 9, and 16 are patentably distinguishable over *Enokizono*. Claims 3, 4, 6-8, 10-12, 14, 15, and 17-20, which are dependent on claims 1, 9, and 16, respectively, are also patentably distinguishable for at least the reasons discussed above. Applicants, therefore request withdraw of the rejection under 35 U.S.C. § 102(b) of claims 1-4, 6-12, and 14-20.

CONCLUSION

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Respectfully submitted,

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